

Customer No. 22,852  
Attorney Docket No. 01165.0964

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re U.S. national phase of: )  
PCT/JP2005/006564 )  
 )  
Takakazu YANO *et al.* ) Group Art Unit: Not Assigned  
 )  
Application No.: Not Assigned ) Examiner: Not Assigned  
 )  
Filed: September 28, 2006 )  
 )  
For: OPTICAL MEASUREMENT )  
APPARATUS )  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§1.56 and 1.97(b), applicants bring to the Examiner's attention the documents listed on attached Form PTO/SB/08 and cited in the international search report. Copies of the listed documents are attached. Applicants respectfully request that the Examiner consider the documents listed on attached Form PTO/SB/08 and indicate that they were considered by making an appropriate notation on this form.

This Information Disclosure Statement is being filed with the above-referenced application.

The following are listed on the accompanying PTO/SB/08 and are in a non-English language:

1. Japanese Patent Application No. 2002-98628.
2. Japanese Patent Application No. 57-127848.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /SN/

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3. Japanese Patent Application No. 2001-141709.
4. Japanese Patent Application No. 9-80037.

In lieu of a statement of relevance or translation of the listed non-English language documents, enclosed is an English-language International Search Report from the Japanese Patent Office in the PCT International Application from which this national phase application is derived citing these documents and setting forth the relevance thereof. An English-language abstract of the documents is also enclosed.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicants determine that the cited documents do not constitute "prior art" under United States law, applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents. Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

Receipt date: 09/28/2006

**10/594528** 10594528 - GAU: 2886  
**IAP01 Rec'd PCT/PTO 28 SEP 2006**

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If there is any fee due in connection with the filing of this Statement, please  
charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: September 28, 2006

By: 

Ernest F. Chapman  
Reg. No. 25,961

Enclosures  
EFC/FPD/sem

Receipt date: 09/28/2006

10/594528  
IAP01 Rec'd PCT/PTO 28 SEP 2006 10594528 - GAU: 2886

IDS Form PTO/SB/08: Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)			<b>Complete if Known</b>		
			Application Number		
			Filing Date		
			First Named Inventor		
			Art Unit		
			Examiner Name		
Sheet	1	of	1	Attorney Docket Number	01165.0964

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS					
Examiner Initials	Cite No. <sup>1</sup>	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US-			
		US-			
		US-			

**Note: Copies of the U.S. Patent Documents are not Required in IDS filed after October 21, 2004**

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
		JP 2002-98628	04-05-2002	H. Yamazaki <i>et al.</i>		Abstract
		JP 57-127848	08-09-1982	K. Okubo		Abstract
		JP 2001-141709	05-25-2001	T. Aoki		Abstract
		JP 9-80037	03-28-1997	Y. Fujii		Abstract

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation <sup>6</sup>

Examiner Signature	/Sang Nguyen/	Date Considered	08/11/2008
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /SN/